

IN THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL
CIRCUIT

LKQ CORPORATION, KEYSTONE AUTOMOTIVE INDUSTRIES, INC.,
Appellants,

v.

GM GLOBAL TECHNOLOGY OPERATIONS LLC,
Appellee,

No. 2021-2348

APPEAL FROM THE UNITED STATES PATENT AND TRADEMARK
OFFICE, PATENT TRIAL AND APPEAL BOARD IN IPR202-00534

**UNOPPOSED MOTION FOR LEAVE FOR THE *AMICUS CURIAE*
UNITED STATES TO PARTICIPATE IN ORAL ARGUMENT**

Of Counsel:

Melissa N. Patterson
Brian J. Springer
Attorneys, Appellate Staff

Farheena Y. Rasheed
Thomas W. Krause
William La Marca
Brian Racilla

Civil Division, Room 7537
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530
(202) 616-5446

Office of the Solicitor
Mail Stop 8, P.O. Box 1450
Alexandria, Virginia 22313-1450
(571) 272-9035

*Attorneys for the Director of the
United States Patent and Trademark Office*

November 2, 2023

Pursuant to Federal Rule of Appellate Procedure 29(a)(8), the United States, as an amicus curiae, moves for leave to participate in oral argument in the above referenced appeal. The government believes its participation at oral argument is warranted for multiple reasons.

First, this Court's order granting rehearing en banc specifically invited the views of the United States as an amicus curiae. *See* ECF No. 86 at 5. In response, the United States filed an amicus brief addressing the issues highlighted in this Court's en banc order. ECF No. 120.

Second, the government, and in particular the USPTO, provides a unique perspective from the examination context that no other party or amici can provide. Thus, the government believes that its views as presented in its brief and at oral argument would be of great assistance to the Court in evaluating and deciding the issues in this case.

Thus, the United States respectfully ask for this Court's permission to participate in oral argument and to be allocated 10 minutes of time.

Counsel for Appellant, and Appellee, have stated that the parties will not oppose this motion.

Respectfully submitted,

/s/ William La Marca
FARHEENA Y. RASHEED

THOMAS W. KRAUSE
WILLIAM La MARCA
BRIAN RACILLA

OFFICE OF THE SOLICITOR
Mail Stop 8, P.O. Box 1450
Alexandria, Virginia 22313-1450
*Attorneys for the Director of the
United States Patent and Trademark Office*

**CERTIFICATE OF COMPLIANCE WITH
FEDERAL RULES OF APPELLATE PROCEDURE 27**

I hereby certify that the foregoing motion complies with the type-volume limitations of Federal Rules of Appellate Procedure 27 and 32 because it contains 184 words, according to the word count of Microsoft Word

/s/ William La Marca
WILLIAM La MARCA
Office of the Solicitor
U.S. Patent and Trademark Office
Mail Stop 8, P.O. Box 1450
Alexandria, Virginia 22313
Tel: (571) 272-9035

CERTIFICATE OF SERVICE

I hereby certify that on November 2, 2023, I electronically filed the foregoing **UNOPPOSED MOTION FOR LEAVE FOR THE AMICUS CURIAE UNITED STATES TO PARTICIPATE IN ORAL ARGUMENT** with the Court's CM/ECF filing system, which constitutes service, pursuant to Fed. R. App. P. 25(c)(2) and Fed. Cir. R. 25(e)(1).

/s/ William La Marca
WILLIAM La MARCA
Office of the Solicitor
U.S. Patent and Trademark Office
Mail Stop 8, P.O. Box 1450
Alexandria, Virginia 22313
Tel: (571) 272-9035